T	T	V	ľ	ויו	F	Г	١ (S	Г	۸ '	Т	ľ	7	C	! '	n	T	(7	וי	Q	T	(רי	Γ.	$oldsymbol{C}$	•)	П	I,	7	Γ

EASTERN DISTRICT OF TEXAS

ANTHONY LEON SUMMERS,	§
Plaintiff,	8 8 8
versus	§ CIVIL ACTION NO. 1:08-CV-491
NATHANIEL QUARTERMAN, et al.,	§ §
Defendants.	§ §

MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Anthony Leon Summers, an inmate confined at the Stiles Unit, proceeding *pro se*, brought this lawsuit against Nathaniel Quarterman, Timothy Lester, Debra M. Harrell, Julia A. Mitchell, Andrew Etheridge, and William Pittman.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed without prejudice.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court concludes Plaintiff's objections are without merit. For the reasons stated in the Report, Plaintiff is barred from proceeding with this action on an *in forma pauperis* basis pursuant to 28 U.S.C. § 1915(g).

ORDER

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is

ADOPTED. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 17th day of November, 2008.

Marcia A. Crone.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE